Appl. No. 09/517,903
Amendment Dated September 8, 2004
Reply to Office Action Mailed July 13, 2004

REMARKS

In the Office Action dated July 13, 2004, claims 1, 2, 5-11, 15-18, 20-24, 26-31,
34, 36-38, 41, 43-46, and 51-55 were rejected under 35 U.S.C. § 103 over U.S. Patent
No. 6,078,582 (Curry) in view of U.S. Patent No. 6,711,166 (Amir); claim 3 was rejected
under § 103 over Curry and Amir in view of U.S. Patent No. 6,118,864 (Chang); claim 4
was rejected under § 103 over Curry and Amir in view of U.S. Patent No. 5,136,585
(Nizamuddin); claims 12, 25, 39, and 42 were rejected under § 103 over Curry and Amir
in view of U.S. Patent No. 6,487,186 (Verthein); claims 13, 26, and 48 were rejected
under § 103 over Curry and Amir in view of U.S. Patent No. 6,275,573 (Naor); claims
13, 14, 26, 27, 47, and 48 were rejected under § 103 over Curry and Amir in view of U.S.
Patent No. 6,438,124 (Wilkes); and claims 35, 40, 49, and 50 were rejected under § 103
over Curry and Amir in view of U.S. Patent No. 6,389,010 (Kubler).

It is respectfully submitted that the Office Action has failed to establish a *prima
facie* case of obviousness against the claims for at least the following reasons: (1) there
existed no motivation or suggestion to combine the teachings of Curry and Amir; and (2)
even if they can be properly combined, the hypothetical combination of Curry and Amir
does not teach or suggest *all* elements of the claimed invention. *See* MPEP § 2143 (8th
ed., Rev. 2) at 2100-129.

The second point is addressed first. The Office Action stated that Curry "does not
disclose a stimulus telephone for coupling to a PBX." 7/13/2004 Office Action at 2. It is
unclear what relevance this statement has with respect to claim 1. No PBX is expressly
recited in claim 1. However, the next sentence of the Office Action appears to explain
what the Examiner intended—Amir was cited as disclosing "encapsulating the signaling
information from the stimulus telephones for transmitting via Internet . . . ." *Id.* The
implication made in the Office Action with this statement is that Curry does not teach the
controller of claim 1, which controller receives stimulus control information from the
digital interface and encapsulates the stimulus control information into one or more
packets for transmission over the packet-based network through the packet interface.

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Contrary to the assertion made in the Office Action, it is respectfully submitted that Amir fails to teach the element missing from Curry. As depicted in Fig. 2A of Amir, the terminals that can be connected to a switch include ISDN terminals, analog telephones, CORPNET telephones, or protocol-based terminals such as H.323, H.324, and H.320 terminals. As taught by U.S. Patent No. 6,549,621 (cited in an IDS previously submitted), H.323 and ISDN are examples of functional messaging, as contrasted with stimulus messaging. U.S. Patent No. 6,549,621, 3:40-52. Similarly, the protocol-based messages provided by H.324 and H.320 terminals are also examples of functional messages that are not stimulus messages. In other words, encapsulating a H.323, H.320, or H.324 message for transmission over a packet-based network would not constitute encapsulating a stimulus message.

The Office Action cited to element 94 of Amir as teaching the encapsulating of stimulus messaging from a stimulus telephone. Element 94 depicted in Fig. 2A of Amir is a "protocol converter" for converting non-H.323 signaling, such as ISDN, to H.323 signaling. *See* Amir, 9:48-53. In other words, any non-H.323 signaling received from a terminal by the switch has to be first *converted* by the protocol converter 94 to H.323 signaling for transmission over the packet-based network to the other switch. Thus, the only control information that is encapsulated by the switch of Amir is functional messaging (such as H.323 messaging) for transmission over the packet-based network. Amir clearly does not teach *encapsulating stimulus control information* into packets for transmission over a packet-based network—Amir teaches the encapsulating of functional messaging such as H.323 messaging for transmission over a packet-based network.

Therefore, in view of the erroneous statement made by the Office Action that Amir teaches an element of claim 1 that in fact is not disclosed or suggested by Amir, it is respectfully submitted that the hypothetical combination of Curry and Amir does not teach or suggest *all* elements of claim 1. The *prima facie* case of obviousness is defective for at least this reason.

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Moreover, there was no motivation or suggestion to combine the teachings of Curry and Amir in the manner proposed by the Office Action. Amir in fact would have led a person of ordinary skill in the art away from the invention. What Amir would have suggested to such a person of ordinary skill is that any non-functional messaging from a terminal would first have to be converted to functional messaging, such as H.323, before transmission over a packet-based network. Such a teaching clearly contradicts the subject matter of claim 1 relating to encapsulating of stimulus control information into one or more packets for transmission over the packet-based network. Therefore, in view of the fact that Amir would have suggested a completely different solution than the subject matter of claim 1, there did not exist any motivation or suggestion to combine Curry with Amir.

Moreover, in the present Office Action, element 72A (the Internet telephony server) of Curry was identified as containing the digital interface, packet interface, and controller as recited in claim 1. As shown in Figure 6 of Curry, each ITS (72A, 72B, and 72C) is connected to a corresponding central office (CO).

Fundamentally, it is respectfully submitted that the central office of Curry does *not* communicate stimulus control information to the ITS. Therefore, the ITS 72 of Curry cannot possibly include a controller that receives stimulus control information from the digital interface and encapsulates the stimulus control information into one or more packets for transmission over a packet-based network.

The communication link between the central office 41 and the ITS 71 includes a trunk line 68 and signaling line 70 to support interoffice signaling. Curry, 11:62-64. The messaging between the central office and the ITS as performed in Curry constitutes functional messaging (SS7 messaging in Curry), which is *not* the same as stimulus control information as recited in claim 1. Thus, a person of ordinary skill in the art reading Curry would have been motivated to also encapsulate functional messaging for transmission over a packet-based network. This teaching of encapsulating functional messaging is similar to the teaching of Amir regarding the encapsulating of functional

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messaging. Thus, a person of ordinary skill in the art would not have been motivated, based on the teachings of Curry and Amir, to combine Curry and Amir to achieve the claimed subject matter. The *prima facie* case of obviousness is defective on this further ground.

Claims that depend from claim 1 are allowable for at least the same reasons as claim 1. Moreover, with respect to dependent claim 17, neither Curry nor Amir discloses a controller to encapsulate at least one of a hook state information and key press event information into one or more packets. The Office Action pointed to the passage at col. 14, lines 9-17, and elements 136 and 146 of Fig. 9 of Curry as disclosing such a feature. Applicants respectfully disagree. The cited col. 14 passage of Curry describes a telephony platform 100 in the ITS 72 that performs basic telephony functions, including incoming call detection (ringing, trunk seizure, etc.), call supervision/progress detection (busy tone, disconnect, connect, recorded announcement, dial tone, speech, etc.), call origination, DTMF, call termination, call disconnect, switch hook flash, and so forth. However, there is absolutely no indication that such information is encapsulated into one or more packets by the ITS 72 disclosed in Curry.

What is packetized by the ITS of Curry is a signaling message in the form of a query message. Curry, 15:33-36. This signaling message in the form of a query message does *not* contain a hook state information or a key press event information. Amir provides no teaching that would have suggested a modification of Curry to achieve this additional subject matter of claim 17. The signaling packetized by Amir is H.323 signaling, which does not include hook state information or a key press event information.

Also, the information contained in the messages of Curry or Amir does not contain a *handset* volume control command, a *handset* connect/disconnect command, or *ringer* activation command, as recited in claim 18.

The messaging exchanged between the ITSs 72 (the originating ITS 72a and destination ITS 72b) are messaging exchanged between switches or other stimulus

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devices, not messaging relating to terminals such as the hook state information, key press event information, handset volume control command, handset connect/disconnect command and ringer activation command. The same is also true of Amir.

Similarly, with respect to claim 37, neither Curry nor Amir discloses the controller to encapsulate a command selected from the group consisting of off-hook, on-hook, handset volume control, handset connect, and handset disconnect in one or more packets.

With respect to independent claim 20, the asserted combination of Curry and Amir does not disclose or suggest encapsulating *stimulus control information* received from a first interface connected to a stimulus telephone, for reasons similar to those of claim 1. A *prima facie* case of obviousness has thus not been established with respect to claim 20.

Claims dependent from claim 20 are allowable for at least the same reasons as for claim 20. Moreover, with respect to dependent claim 41, neither Curry nor Amir discloses encapsulating a command according to a stimulus protocol selected from the group consisting of off-hook, on-hook, handset volume control, handset connect, and handset disconnect.

With respect to independent claim 28, the asserted combination of Curry and Amir does not disclose or suggest encapsulating data according to a *stimulus protocol* into one or more packets for communication to a packet-based network, where the data according to the stimulus protocol is received from a first interface connected to a stimulus telephone. A *prima facie* case of obviousness has thus not been established with respect to claim 28.

Claims dependent from independent claim 28 are allowable for at least the same reasons as for claim 28. Moreover, with respect to dependent claim 43, Curry and Amir fail to disclose or suggest encapsulating data according to a stimulus protocol that includes encapsulating one of an off-hook stimulus command, on-hook stimulus

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command, handset volume control stimulus command, handset connect stimulus command, and handset disconnect stimulus command.

With respect to independent claim 34, the asserted combination of Curry and Amir does not disclose or suggest a means for encapsulating a *stimulus message* received through an interface *connected* to a stimulus telephone. A *prima facie* case of obviousness has thus not been established with respect to claim 34.

Claims dependent from claim 34 are allowable for at least the same reasons as for claim 34. Moreover, with respect to dependent claim 45, Curry and Amir fail to disclose or suggest that the means for encapsulating is to encapsulate the command selected from the group consisting of off-hook, on-hook, handset volume control, handset connect, and handset disconnect.

With respect to independent claim 30, the asserted combination of Curry and Amir does not render obvious the following combination of elements: receiving at least one packet containing a *stimulus message* according to a first language, decapsulating the at least one packet to extract the *stimulus message* according to the first language, and sending the *stimulus message* to an interface *connected* to a stimulus telephone. Even if Curry and Amir can be properly combined, the hypothetical combination of Curry and Amir fails to disclose or suggest *all* elements of claim 30. Moreover, there existed no motivation or suggestion to combine the teachings of Curry and Amir. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 30.

Claims dependent from claim 30 are allowable over Curry for at least the same reasons as for claim 30. Moreover, with respect to dependent claim 44, Curry and Amir fail to disclose or suggest receiving at least one packet containing at least a command selected from the group consisting of off-hook, on-hook, handset volume control, handset connect and handset disconnect.

Dependent claims 3, 4, 12-14, 25-27, 35, 39, 40, 42, and 47-50 were rejected as being obvious over Curry and Amir in view of various other references. In view of the defective obviousness rejection of base claims over Curry and Amir, it is respectfully
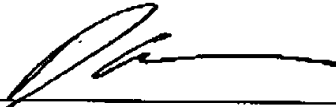
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submitted that the obviousness rejections over Curry and Amir in view of the other references are also defective.

In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRC.0002US).

Respectfully submitted,

_9-8-04_____
Date

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